

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>2/27/20</u>

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CREATIVE PHOTOGRAPHERS INC.,

Plaintiff,

- against -

SPINMEDIA GROUP, INC., et al.,

Defendants.
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19 Civ. 9180 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE
WITHOUT PREJUDICE

VICTOR MARRERO, United States District Judge.

The parties have notified the Court that they have reached an agreement to resolve this action without further litigation, and they request thirty days to finalize a Stipulation of Dismissal with Prejudice. (See Dkt. No. 35.) Accordingly, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action and any pending motions to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten days of the plaintiff's application for reinstatement,

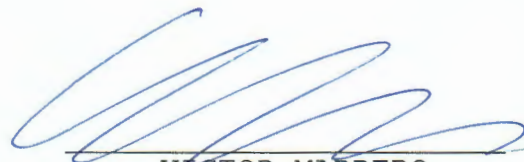
to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to terminate any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
26 February 2020



VICTOR MARRERO
U.S.D.J.

ORIGINAL

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Creative Photographers Inc.,

Plaintiff,

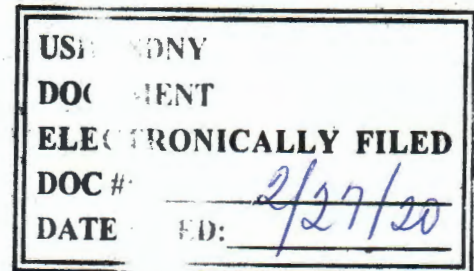
v.

SpinMedia Group, Inc., et al.,

Defendants.

Civil Action No.: 1:19-cv-09180-VM

NOTICE OF SETTLEMENT



PARTIES' JOINT NOTICE OF SETTLEMENT

The parties respectfully notify the Court that the parties have agreed in principle to settle the above-captioned matter. Counsel for the parties are in the process of discharging their obligations under the Settlement Agreement and finalizing the Stipulation of Dismissal with Prejudice. The parties intend to file the Stipulation of Dismissal with Prejudice as soon as practicable, but respectfully request that the parties are given 30 days to file the Dismissal. The parties further respectfully request that the Court adjourn the pre-settlement call scheduled for Wednesday, February 26, 2020 in light of the foregoing.

Dated: Brooklyn, New York
February 25, 2020

DONIGER / BURROUGHS

By: /s/ Scott Alan Burroughs
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Dated: New York, New York
February 25, 2020

MITCHELL SILBERBERG & KNUPP

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